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To Rachel Spector <Rachel_Spector@nysd.uscourts.gov>
 cc MDL1358 <mdl1358@mwe.com>, Weitz and Luxenberg
 <mdl1358@weitzlux.com>, "Axline, Michael"
 <toxictorts@aol.com>

bcc

Subject MDL 1358: Commonwealth of Puerto Rico

Re: In Re MTBE Products Liability Litigation, DC Civ 1898
 Commonwealth of Puerto Rico v Shell Oil Company, 07 Civ. 10470

Dear Rachel:

Defendants write to request relief from the September 2 deadline to serve discovery in the Commonwealth of Puerto Rico matter. On July 8, the Court granted in part defendants' motion for a more definite statement in that action and ordered plaintiff to provide a more definite statement of its claims. Plaintiff has not yet complied with that Order. Until defendants receive plaintiff's amended complaint providing a better description of plaintiff's claims, it is impossible for defendants to propound discovery directed to those (still unamended) claims.

We have conferred with Mr. Axline, plaintiff's counsel, and he has agreed that defendants' time to propound discovery in the Puerto Rico case should not run until one week after plaintiff has served its amended complaint -- which, we are told, plaintiff expects to file soon. However, because the September 2 deadline was set by the Court, we believe it is appropriate to request permission from the Court to extend that deadline.

Accordingly, defendants respectfully request relief from the September 2 discovery deadline, and request that we be given until 1 week after plaintiff has served its amended complaint to propound that preliminary discovery.

Respectfully submitted,

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

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Doc. 1964

Defendants' request is granted.
 Defendants shall serve discovery requests within one week from the date that plaintiff serves its amended complaint.

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Dated: August 29, 2008
 New York, New York

SO ORDERED:
 Shira A. Scheindlin, U.S.D.J.

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